

CITY OF SAN BRUNO



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://www.sanbruno.ca.gov>

STAFF

Tambri Heyden, AICP, *Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Aaron Akin, AICP, *Planning Manager*
Beilin Yu, *Associate Planner*
Tony Rozzi, *Assistant Planner*
Lisa Costa Sanders, *Contract Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice-Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION AGENDA

Tuesday, July 18, 2006
San Bruno Senior Center
1555 Crystal Springs Road
7:00 p.m.

Roll Call

Pledge of Allegiance

A.	Approval of Minutes	June 20, 2006	
B.	Communications		
C.	Public Comment		↓ Actions
D.	Announcement of Conflict of Interest		
E.	Public Hearings		
1.	497 San Mateo Avenue (UP-06-20) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> C-B-D (Central Business District)	Request for a Use Permit to allow live music in conjunction with the operation of an existing bar per Section 12.84.070.B of the San Bruno Zoning Ordinance. Gene Tagliaferri (Owner) / Edwina Walshe (Applicant). UP-06-20	
2.	21 Tanforan Avenue (UP-06-05; MM-06-07) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-1 (Single Family Residential)	Request for a Use Permit and Minor Modification to allow the construction of an addition which increases the gross floor area by more than 50% and encroaches into the required side yard setbacks per Section 12.200.030.B.1 and 12.120.010.B of the San Bruno Zoning Ordinance. Sazad Ali (Owner/Applicant) UP-06-05; MM-06-07	

3.	2246 Kingston Avenue (UP-06-11, MM-06-04) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-1 (Single Family Residential)	Request for a Use Permit and a Minor Modification to allow the construction of an addition which exceeds the 44% lot coverage guideline and encroaches into the required side yard setbacks per Section 12.200.030.B.3 and 12.120.010.B of the San Bruno Zoning Ordinance. Michael and Louise Lagarrigue (Owners/Applicant) UP-06-11, MM-06-04	
4.	1850 Monterey Drive (UP-06-15) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-1 (Single Family Residential)	Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50%, and proposes a floor area greater than 2,800 square feet while only providing a two-car garage, per Sections 12.200.030.B.1, and 12.200.080.A.3 of the San Bruno Zoning Ordinance. Andrew and Carol DeGraca. (Applicant/Owners). UP-06-15	
5.	1860 Monterey Drive (UP-06-16) <u>Environmental Determination:</u> Categorical Exemption <u>Zoning:</u> R-1 (Single Family Residential)	Request for a Use Permit to allow the construction of an addition to an existing residence, which increases the gross floor area by more than 50%, and proposes a floor area greater than 2,800 square feet, while only providing a two-car garage per Sections 12.200.030.B.1, and 12.200.080.A.3 of the San Bruno Zoning Ordinance. Mario Lopez. (Applicant/Owners). UP-06-16	
F.	Discussion		
1.	City Staff Discussion		
2.	Planning Commission Discussion		
G.	Adjournment		

***Note:** If you challenge the above actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.*

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PLANNING

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Commissioners:
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COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

JUNE 20, 2006

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:03 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Chase	X	
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Petersen		X
Commissioner Sammut	X	

STAFF PRESENT:

Planning Division: Community Development Director: Tambri Heyden
Planning Manager: Aaron Aknin
Associate Planner: Beilin Yu
Community Dev. Recording Secretary: Cathy Hidalgo
City Attorney: Pamela Thompson

Pledge of Allegiance: Commissioner Johnson

A. Approval of Minutes – May 16, 2006

Motion to Approve Minutes of May 16, 2006 Planning Commission meeting.

Johnson/Chase

VOTE: 5-0
AYES: Mishra, Biasotti, Chase, Johnson, Marshall
NOES:
ABSTAIN:

B. Communication

The Packets are available on San Bruno's website: www.sanbruno.ca.gov

The Agendas and minutes are available on line.

C. Public Comment

None at this time.

D. Announcement of Conflict of Interest

None

E. Public Hearings

1. 1657 Jenevein Avenue

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50% per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Frank McAlorum (Applicant/Owner). UP-06-09

Associate Planner Yu entered staff report.

Staff Recommends approval of Use Permit 06-09 based on Findings of Fact (1-7) and Conditions of Approval (1-21). However, that the ARC review and approve the final inspection.

Chair Mishra asked Commission if there were any questions for staff.

None.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Frank McAlorum. The roof request would be a financial strain and seeing the roof is in the rear of the property it is not going to be seen. Financially there are bigger issues with the property that he wants to put his money into. This design of the roof would enable him to put his money elsewhere. The hallway is designed for privacy into the bedrooms. Regarding the hallway, it is designed for privacy to the bedrooms and the window is kept in there to let natural light in.

Chair Mishra asked Commission if there were any questions for applicant.

Commissioner Johnson: Clarified, applicant does not support the recommendation to change the roofline due to financial hardship. Questioned applicant if they plan on making future changes to that roof.

Applicant: Responded will re-apply for a use permit in a couple of years to add a second level.

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

Commissioner Johnson to staff: Requested staff to address the roof.

Planning Manager Akin: Responded, what you would have is an addition that doesn't integrate into the home itself. When ordinance 1520 was passed in 1988-1989 it was

done in order to have the additions integrated into the existing home. One thing it addresses is roof angles and connecting roof angles. In this case you would have a flat roof integrating into an angled roof so the addition could be seen. The idea is that it is a fully integrated home and that it meets the intent of ordinance 1520.

Commissioner Johnson: Questioned, is it looking like an addition if it is not visible from the street?

Planning Manager Akin: Responded, the way the ordinance is, the street elevation is one of four elevations and the majority of additions are to the rear, so the interpretation is to integrate from all sides of the home.

Commissioner Johnson: Responded, taking into consideration financial hardship and the possibility of the roof being removed in the future, although agrees with the ordinance, is there anything in the conditions that can be placed that you need to increase in the future.

Commissioner Marshall: Interjected, How old is the current roof.

Applicant: 50's

Commissioner Marshall: The roof is old anyway, and will need to be replaced soon, is there any way we can put a condition that the roof be angled when changed?

Planning Manager Akin: Responded that the roof in question is the addition, not the existing. Must look at the application that is currently presented, not what may possibly be applied for in the future.

Commissioner Chase: To Staff, the cause for changing the roof from a flat to a gable, is the cost that significant, especially when you have to integrate the addition to the existing home. Unaware of the applicants financials, addresses what the planning commissions' responsibilities are to the ordinance, doesn't believe the request to pitch the roof should be cost prohibitive.

Applicant: Realistically, no one will know what the requirements and costs are until it is engineered structurally.

Commissioner Chase: Since it is not a second story, doesn't understand the engineering.

City Attorney Thompson: If it turns out the planning commission feels it should and can consider the financial aspect of the project, best way to handle is to continue the matter and require the applicant to come back with that information. Believes it is hard to judge whether it is or not a financial hardship based on their statement. Generally, a financial hardship is not a factor you consider unless what the commission is requiring is so cost prohibitive that you are depriving the property owner of any ability to use his property.

Commissioner Johnson: What would be the delay if we went towards continuation?

Planning Manager Akin: It depends what you require within the continuation and how long it would take to gather that. A continuation could be heard in August.

Commissioner Johnson: The other option is that the applicant could appeal.

Commissioner Marshall: On the other condition, regarding the hallway, was it an ARC recommendation or a staff recommendation?

Associate Planner Yu: Responded, ARC recommendation.

Planning Manager Akin: What you are reviewing is a single family house, so if you think there are aspects of the project that are not consistent with single family homes you can point those out and make recommendations consistent with the general plan and the zoning code.

Commissioner Marshall: Agrees, personally would rather have a larger family room than a wall, but if somebody wanted to put a second unit and an interior wall could be up in an afternoon. His opinion is that the interior wall is not an issue.

Chair Mishra: Recommendation that the windows in the family room, those windows, are those existing that you want to retain? Would applicant be opposed to removing those windows are keeping the frame?

Applicant: Correct.

Commissioner Marshall: A permit wouldn't be required to put a piece of glass in there at a later date anyway.

Planning Manager Akin: Depends on if it is a bearing wall or not.

Commissioner Johnson: Agrees with Commissioner Marshall, has no issue with the wall. Wouldn't turn project down if wall were to remain.

Motion to approve Use Permit 06-09 based on Findings of Fact (1-7) and Conditions of Approval (1-21), striking the condition on the interior wall.

Commissioner Marshall/Chase

VOTE: 5-0

AYES: Mishra, Biasotti, Chase, Johnson, Marshall

NOES:

ABSTAIN:

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition will require the applicant to obtain a building permit and all work will be constructed according to the Uniform Building Code and the proposal does not entail any windows which will create a privacy impact on the adjacent properties.
3. The proposed addition will be an improvement to the existing structure and the upgrades to the property should have a beneficial impact on surrounding property values and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City.

4. With the proposed conditions of approval, the construction of the addition is consistent with the San Bruno General Plan, which requires public and private development to be aesthetically sensitive to the surrounding environment and to be of the highest quality design and construction designates the property for single-family residential purposes, and requires that developments protect the residential character of existing residential neighborhoods.
5. The proposed addition meets all minimum setback and height requirements per the San Bruno zoning ordinance, the proposal will remain a single story, and the subject residence sits at a lower elevation than the adjacent properties, therefore the proposal will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
6. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because with the recommended condition of approval, the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
7. The proposed expansion complies with applicable off-street parking standards of the San Bruno zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-09 shall not be valid for any purpose. Use Permit 06-09 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on June 20, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be converted back to a garage use. The existing wall between the garage space and the stairway shall be removed so the proposed garage space is 18' long. The stairs from the garage space to the kitchen shall be relocated so it is not encroaching into the 18' garage space. A revised floor plan with the 18' deep garage shall be submitted and approved by the Architectural Review Committee prior to submittal to the Building and Safety Division for plan check.
8. The garage shall then be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
9. ~~The wall between the proposed family room and hallway shall be redesigned to eliminate the long proposed hallway. A revised floor plan eliminating the hallway shall be reviewed and approved by the Architectural Review Committee prior to submittal to the Building and Safety Division for plan check.~~
10. The roof over the rear addition shall be redesigned from a flat roof to a gable roof, tying the addition to the existing home. Revised elevation and roof plans with the gable roof shall be reviewed and approved by the Architectural Review Committee prior to submittal to the Building and Safety Division for plan check.
11. The final design of the roof and floor plan shall be reviewed and approved by the Architectural Review Committee.

Department of Public Works – (650) 616-7065

12. No fence, retaining wall, or other permanent structure to be placed within 2'-0" from back of sidewalk. S.B.M.C. 8.08.010
13. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
14. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
15. Paint address number on face of curb near driveway approach. Black lettering on white background.
16. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010.
17. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an

undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.

18.Planting of one (1) 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

19.Provide minimum 4" illuminated address numbers.

20.Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.

21.Provide spark arrestor on chimney if present.

Chair Mishra advised of a 10-day appeal period.

2. 510 Fourth Avenue

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50% per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Greg Oliver(Applicant/Owner).UP-06-17

Associate Planner Yu entered staff report. Received one letter.

Staff Recommends approval of Use Permit 06-17 based on Findings of Fact (1-6) and Conditions of Approval (1-18).

Chair Mishra asked Commission if there were any questions for staff.

Chair Mishra: Did staff check usage of the garage.

Associate Planner Yu: Replied, yes, although there is items being stored, there is room for a car.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced. Greg Oliver, wants to add 2 bedrooms downstairs and a master upstairs, remodel kitchen at the same time, opening a wall to the existing bedroom.

Chair Mishra asked Commission if there were any questions for applicant.

Commissioner Johnson: Front parking, viewing the property, the jeep parked on the north side, was the driveway cut to accommodate that parking?

Applicant: No, jumps curb to park. Driveway is 8 feet.

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

Motion to approve Use Permit 06-17 based on Findings of Fact (1-6) and Conditions of Approval (1-18).

Commissioner Marshall/Johnson

VOTE: 5-0
AYES: Mishra, Biasotti, Chase, Johnson, Marshall
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition will require the applicant to obtain a building permit and all work will be constructed according to the Uniform Building Code and the proposal does not entail any windows which will create a privacy impact on the adjacent properties.
3. The proposed addition will be an improvement to the existing structure and the upgrades to the property should have a beneficial impact on surrounding property values and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City.
4. The construction of the addition is consistent with the San Bruno General Plan, which requires public and private development to be aesthetically sensitive to the surrounding environment and to be of the highest quality design and construction designates the property for single-family residential purposes, and requires that developments protect the residential character of existing residential neighborhoods.
5. The proposed addition meets all minimum setback and height requirements per the San Bruno zoning ordinance, most of the proposed structure will remain a single story with the second story addition setback 30' from the first story front façade and only be approximately 20' deep, therefore the proposal will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
6. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will complement the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
7. The proposed expansion complies with applicable off-street parking standards of the San Bruno zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-17 shall not be valid for any purpose. Use Permit 06-17 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on June 20, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The proposed addition must be setback at least 6'-0" from the existing shed.
9. The applicant shall redesign the door into the garage so the door swings out to the side yard and does not encroach into the garage space.
10. Site drainage to be reconciled. Site terrain to be shown on site plans based on reliable information. Drainage design to be shown on the permit plans.

Department of Public Works – (650) 616-7065

11. No fence, retaining wall, or other permanent structure to be placed within 2'-0" from back of sidewalk. S.B.M.C. 8.08.010
12. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
13. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.

14. Paint address number on face of curb near driveway approach. Black lettering on white background.
15. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
16. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
17. Planting of one (1) 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

18. Provide minimum 4" illuminated address numbers.

Chair Mishra advised of a 10-day appeal period.

Commissioner Sammut now present.

3. 1053 National Avenue

Request for a Planned Development Permit, Tentative Parcel Map and Architectural Review Permit to construct 350 residential units with common space and below grade parking on Lots three and four of the Crossing for the purpose of developing this site in conformance with the adopted U.S. Navy Site Specific Plan, per Chapters 12.96.190 and 12.108.010(A) of the San Bruno Municipal Code. SNK SB Crossing, LLC, Applicant/Owner. PDP-05-05, TM-06-003, AR-06-04

Planning Manager Aknin entered staff report.

Staff recommends that the Planning Commission adopt Resolution 2006-05, approving a Planned Development Permit, Architectural Review Permit and Tentative Subdivision Map (PD 05-05, AR-06-03, & TM 06-003).

Chair Mishra asked Commission if there were any questions for staff.

Johnson: It is a beautiful project, on the swimming pool, only saw one, is this just for this phase?

Aknin: will let developer respond.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Don Peterson with SNK. Introduced associates. Joined by the Architect, Randy Harris and well as Gerald Kalamoto , landscape architect on this development. Pleased to be part of this development. Have been working diligently with Staff, Consulting Architect and ARC all in an effort to better refine and improve the

plan that is before you this evening. Eager to navigate the permit process and get going on the project.

Applicant, Don Peterson, Presented project by slide show. Architectural Elements presented by Randy Harris, project designer. Landscape design presented by Gerald Kalamoto.

Chair Mishra asked Commission if there were any questions for applicant.

Sammut: Question for Landscape Architect. Are the lemon trees going to be fruit bearing or decorative?

Applicant: Yes, fruit bearing, the tenants can use.

Sammut: Will there be Olive Trees surrounding the pool.

Applicant: Yes, those are fruitless olives.

Marshall: Tot lot, what will it entail, will it have more public access, what will it have..

Applicant: It will have one major climbing structure, the target is for 5-7 years old. Set back from the vehicular edge for safety. Still have to review requirements. It will be defined with cluster trees, benches, large climbing structure and smaller elements. *Don Peterson:* It will still have grass around the balance. The goal is to have it open and available to all units.

Marshall: It will still have grass around the balance. The goal is to have it open and available to all units.

Marshall: How about traffic flow? Street parking guest parking, truck loading and unloading for tenant move in and out. Are we addressing all of this?

Aknin: Responded the traffic impact was looked at. All others are addressed on the site plan.

Applicant: Pointed on slide, guest parking is first level garage. Loading for moving, there is access around the project with elevators and stairs.

Sammut: With regards to parking, are the parking spaces open to all, or will each unit have reserved spots.

Applicant: Responded that each unit will have one assigned parking space. The residential will be secured parking. A firm determination hasn't been made on the spaces, in the past have given one bedrooms one space, two bedrooms two spaces and if residents choose to purchase, that may be available. Guest parking is gated off from residential and centrally located.

Mishra: Questioned is there Handicap access?

Applicant: Responded that the entire project is completely accessible for handicap.

Mishra: Questioned what the parking ratio is on the property.

Aknin: Navy site has a different parking ratio than what is required in other developments. It's a transit orient development and since it is near BART there is a reduced requirement. The requirement is 1 parking for every 1, 2 for 2 bedroom, 3 for 3 bedrooms, plus a .1 ration, requiring a total of 582 spaces, they are exceeding that to 674 spaces, 92 over requirement. They have said that they may reduce that if mechanical equipment has to be located, but they still will exceed significantly at 1.95.

Marshall: To Staff, with this many units, will have many families, with the Commodore Park just a block away and the tot lot being small, Parks Department is in works to redo the park, baseball field and the dog park there, has there been any talk for this project to help in the improvements over there?

Aknin: There has been talk but we have an development agreement for the overall project and the development was agreed upon originally which there was impact fees associated with that, and once they pay those fees per the agreement which is the legal binding document, we do not have the authority to exceed development impact fees.

Marshall: in lieu of impact fees can we make direct fees towards parks or certain parks. The impact of the development at the parks is noticeable, with the Original development there is more people and this development is twice the size.

Aknin: Unfortunately this is different than the average development, we are tied to the original developer agreement. SO, the answer is no, we have the impact fees originally taken and believe there is \$300,000 for this one, and it can't be specified to the park for this approval.

Aknin: Would like to add, within the resolution, on 3 (g) currently says "That the proposed development is consistent with the General Plan", would like to add that the it is consistent with the General Plan, Development Agreement and applicable zoning.

Johnson: Parking, average of 1.95 overall, how many extra for visitors?

Aknin: There are only 40 spaces designated for visitors. The requirement is 35. Overall, they are exceeding the parking.

Applicant: Can work on shifting the gates to add more visitor parking. Will work on staff with that.

Johnson: doesn't seem sufficient for 350 units.

Applicant: The analysis we go through is how many residential spaces we will need for the residents and balance that with adequate visitor parking. We exceed required by 5 spaces. What we can do is expand that visitor parking as long as we don't compromise what we believe would be a sufficient number of parking for the residents in the development.

Johnson: Even for them, 1 for one bedroom, when typically the average family has more than one car, since it is near BART and there is a lot of opportunity for urban type living, I have a lot of concern around the parking, pleased to hear there is more than what is required, but feel it is not enough and looking at Shelter Creek and other apartment complexes, there is not enough parking which makes it hard to visit, then add holiday or an event, its impossible. Want to make sure this is explored more.

Applicant: will have assigned parking for the residents and within ration we have an abundance, we still have more. We have to analyze how many additional spaces will be needed within the residential section, versus how much more additional we will need in the visitor section. There could be some shifting of allocation there.

Johnson: Supports any efforts in that area, because it is an area people get frustrated with.

Johnson: Other question is about Waterfall, it is a windy area, is there a maintenance process in place? There will be lots of debris.

Applicant: They will have to have an astringent maintenance program. The major waterfall is on the side. The water is going to hug that wall, won't have a lot of splashing, out of the wind. They have their own project management company. Building one is leased initially and Building 2 will be sold. They will be the part of the homeowner association and the property management company.

Johnson: Questioned the tot lot, designed for 5-12, that is certainly not a tot lot, that is designed for elementary children, is there any structure that will address tots up to 5 years of age?

Applicant: yes that's the goal, for tots up to 7 years old. It is not meant to for elementary school age use.

Johnson: Responded the design here on 4.2 is definitely not designed for tots, it is designed for an older age group.

Applicant: The structures are designed for 3, 4, 5 and 6 years.

Johnson: will it have public access and will there be parking?

Applicant: No, it is cited for access for the residents within the Crossings community. The intention and agreement is for the residents.

Johnson: If it is going to be open to public, concerned about the parking.

Johnson: Last question is about the Swimming Pool.

Applicant: If Building one is rented out initially, they will not have access to the swimming pool and spa until it becomes owned.

Aknin: Would Johnson like to add a condition to the Planned Development Permit that our Parks and Recreation Department approve the final tot lot plan.

Johnson: Yes, add that as a condition.

Biasotti: To applicant, the tot lot is on an easement, is that correct?

Applicant: Responded, it is part of our property.

Biasotti: Questioned who is responsible for maintaining tot lot.

Applicant: The Home Owner Association and us collectively, which will be a requirement within the CC&Rs.

Mishra: Questioned applicant if the roof well is accessible to the public

Applicant: No, none of the roofs will be accessible.

Mishra: Question to applicant, will the HOA be contracting with your company for property management, or will that be going out to bid?

Applicant: Responded that the way that works is we can become the manager of the HOA for the first year, after year one the existing board then can make a recommendation or decision.

Mishra: To applicant, then it is only exclusive for one year.

Applicant: Responded, Yes.

Marshall: Easements can be taken away, is there any provision for replacement if that happens?

Aknin: It can be added as a condition, it is actually stated within the development agreement so they would still be tied to the original development agreement. The history of the tot lot is that it was originally proposed within the development itself, and the developer felt, as well as staff, that it did not meet the intent of the development agreement stating there should be a tot lot to serve the entire development. We could add a condition to the Planned Development Permit, that repeats the language of the development agreement and states that if the tot lot within the Hetch Heche easement has to be removed, it shall be located somewhere on site.

Biasotti: thanks applicant for listening to remarks and incorporating the ideas on the entrance.

Mishra: Added thanks for addressing comments.

Public Comment opened.

Public Comment closed.

Back to Commission for Discussion.

None

**Resolution 2006-05, approving a Planned Development Permit, PD 05-05;
Architectural Review Permit, AR-06-03;**

Commissioner Sammut/Chase

VOTE: 6-0

AYES: Mishra, Biasotti, Sammut, Chase, Johnson and Marshall

NOES:

ABSTAIN:

ABSENT: Commissioner Petersen

RESOLUTION NO. 2006 – 05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN
BRUNO APPROVING A TENTATIVE SUBDIVISION MAP, PLANNED
DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT FOR THE
CROSSING DEVELOPMENT, PARCELS 3 AND 4**

(APN 020-013-230 and 020-013-240) - (PDP-05-05, AR-06-04 TM-06-003)

WHEREAS, SNK SB Crossing LLC ("Applicant") is the owner of that certain 7.0 acre site located at 1053 National Avenue at Commodore Drive in the City of San Bruno and

more particularly described as Assessor's Parcel Number 020-013-230 and 020-013-240 (the "Property");

WHEREAS, Applicant desires to develop 350 new residential units on the 7.0 acre Property, with associated roadways and infrastructure (the "Project"), and;

WHEREAS, the Project is located within the Crossing Project, the uses for which were designated in the Navy Site Specific Plan (amended January 2002); and

WHEREAS, the Project is consistent with the Navy Site Specific Plan (amended January 2002) which designated the Property for office or residential use;

WHEREAS, the Project is consistent with the Navy Site Design Guidelines (as approved February 12, 2003) ;

WHEREAS, a Notice of Public Hearing was mailed on June 8, 2006, and duly posted in the San Mateo Times on Saturday, June 10, 2006, for consideration of a Tentative Map, Planned Development Permit and Architectural Review Permit; and

WHEREAS, the Planning Commission held a Public Hearing on the Planned Development Permit and Tentative Map on June 20, 2006 and on said date, the Public Hearing was opened, held and closed; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and implementing guidelines, no additional environmental review is required because the Tentative Map, Planned Development Permit and Architectural Review Permit are substantially consistent with the type and intensity of land uses and roadway improvements analyzed in the previously certified EIR for the Crossing Project, there are no new significant impacts nor any substantial increase in the severity of previously identified significant impacts identified with the proposed project, and the mitigation measures adopted as part of the previous EIR are also applicable to the proposed project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Bruno, based on facts in the staff reports, written and oral testimony, and exhibits presented:

1. With respect to the Tentative Map, the Planning Commission hereby finds:

(a) The real property to be subdivided, and each lot or parcel to be created, is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace;

- (b) Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning code;
- (c) The site is physically suitable for the type and proposed density of development;
- (d) The design of the subdivision and improvements, and the type of improvements, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat or to cause serious public health problems; and
- (e) The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

2. With respect to the Planned Development Permit, the Planning Commission hereby finds that the proposed Planned Development Permit is consistent with the Development Plan set forth in the Navy Site Specific Plan.

3. With respect to the Architectural Review Permit, the Planning Commission hereby finds:

- (a) That the location, size and intensity of the proposed development will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;
- (b) That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses;
- (c) That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas and to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas;
- (d) That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood;
- (e) That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site;
- (f) That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood; and
- (g) That the proposed development is consistent with the General Plan, Development Agreement and applicable zoning.

4. The Planning Commission hereby approves:

- (a) The Tentative Map, subject to the conditions of approval attached hereto as Exhibit A;
- (b) The Planned Development Permit, subject to the conditions of approval attached hereto as Exhibit B; and
- (c) The Architectural Review Permit.

EXHIBIT A

CONDITIONS OF APPROVAL CROSSING PARCELS 3 & 4 TENTATIVE TRACT MAP (TM-06-03)

Community Development Conditions

- 1. These conditions of approval shall govern if there is any conflict between the approved tentative map and the conditions of approval.
- 2. The applicant shall provide proof of payment to outside utility providers for all required service fees.
- 3. At the completion of construction of the improvements, the Applicant is obligated to provide all required information to the City including, but not limited to, all certifications, warranties, guarantees, proof of payment to outside agencies and as-constructed drawings (Vesting Tentative Map COA #82).

Fire Department Conditions

- 4. The applicant shall provide Fire Department emergency access in accordance with CFC, 2001 Edition, Section 902. In addition, where there are multi-story buildings that could require aerial ladder access, the vertical clearance requirements of section 902.2.2.2.1 shall be equal to the height of the building but not less than 50 feet, such that the aerial ladder can operate and access all windows and the roof without obstruction of power lines, lighting fixtures or trees.
- 5. The applicant shall provide a water system in accordance with CFC, 2001 Edition, Section 903 that can provide the building fire-flow (fire hydrant) requirements, plus any fire sprinkler and standpipe water demands, in accordance with CFC, 2001 Edition, Appendix III-A & III-B. Applicant shall submit fire flow calculations prior to issuance of building permit.
- 6. The applicant shall provide the required number of fire hydrants in accordance with CFC, 2001 Edition, Section 903, as located by the San Bruno Fire Department, so as to comply with Appendix III-A & III-B depending upon the size (floor area & height) and type of construction.

7. All fire hydrants will provide a minimum flow of 2500 gpm at 20# residual pressure at locations approved by the San Bruno Fire Department and will be protected from vehicular damage in an approved manner (Vesting Tentative Map COA #142).

8. The Fire Department Connection shall be installed as part of the City of San Bruno Water Division standard Double Detector Check Valve assembly. A separate Post Indicator Valve is not required. The FDC shall be installed with the finished height of 36" to 48" adjacent to the western street access. Location of the DDC-FDC shall be greater than 25' but less than 50' to the adjacent fire hydrant.

Public Works Conditions

9. All roadways and other improvements shall be designed in accordance with the Specific Plan, City Standards and San Bruno City Code Section 12.44.

10. The Developer shall pay for and construct all improvements to private land and implement any conditions or mitigation measures applicable to private land defined in the Development Agreement.

11. The Developer shall be responsible for the cost of all City Reviews and inspections required for all improvements associated with the Development, as indicated in the Development Agreement.

12. The Developer shall pay all required Development Impact Fees per the Development Agreement, post performance bond for infrastructure improvements to support the development in accordance with the EIR mitigation and/or Development Agreement prior to recordation of the Final Map.

13. With the submission of the Improvement Plans, the Developer shall submit site specific geotechnical soil and foundation study, report, and recommendations in regard to underlying soils, future subsidence, consolidation, liquefaction, seismic safety, water table, and perimeter lands, foundations of structures, and pavement structural sections. All Improvements shall reflect the recommendations contained within the reports. The reports shall be filed with the City Engineer, in conjunction with the Improvement Plans. The Developer shall submit supplemental geotechnical reports, as determined necessary by the City Engineer or project soil engineer to clarify localized soil conditions and requirements for each phase of construction. Prior to construction the geotechnical engineer shall review the improvement plans and stamp and sign the plans, if approved. During grading and construction, the soil engineer will review all fieldwork including, but not limited to, excavation, shoring, trenching, roadway sub-grade preparation and compaction, roadway finished subbase/base placement and compaction, and trenching. The soil engineer shall sign "as built" grading plans prior to recordation of Final Map. Furthermore, contractor shall construct an all weather roadway access sufficient to support fire fighting, apparatus access to all materials storage and buildings under construction, all to the satisfaction of the Fire Marshall and the City Engineer.

14. Prior to recordation of the Final Map, the Developer shall submit a site assessment report for hazardous materials. A site assessment report for hazardous materials shall also be submitted if required by third party regulatory agencies.

15. Prior to the recordation of the Final Map, the Developer shall submit engineered Improvement Plans (including specifications & engineers cost estimates), for approval by the City Engineer, showing the infrastructure necessary to serve the Development. The Improvement Plans shall include, but are not limited to, all engineering calculations necessary to substantiate the design, proposed roadways, drainage improvements, utilities, traffic control devices, retaining walls, sanitary sewers, and storm drains, pump/lift stations, street lightings, common area landscaping and other project improvements.

16. Prior to recordation of the Final Map, the Developer shall demonstrate adequate emergency vehicle access satisfactory to the City of San Bruno Fire Marshal, and shall demonstrate adequate utility capacity for the development (this includes storm drainage, sanitary sewer, and water).

17. All Improvement Plans shall be submitted on 24"x36" standard plan sheets. Scale shall be sufficiently large for clarity and review. Street Improvement Plans and Profiles shall have a minimum of 1"=20' scale, Site Plan, Grading Plans shall have a minimum scale of 1"=40'.

18. For systems and equipment that will become a public responsibility, prior to the approval of the infrastructure improvement plans, the developer shall submit a development phasing plan to support the development and shall submit a schedule of completion of public improvements to support development. This shall be in accordance with the Specific Plan.

19. As part of the improvement plans, developer shall submit a detailed exhibit with details and specifications of demolished and abandoned utilities. All utility pipes to be abandoned shall be removed or filled with slurry subject to City Engineer's approval.

20. Prior to the use of the recycled base rock as roadbed material, the soils engineer shall submit a report and written proposal addressing the quality control concerns and identifying the properties of the proposed material. The soils engineer shall certify this material as an "engineered fill"; that the material satisfies the State Specs of California Department of Transportation Specifications, and that the material satisfies the required R-values for the roadway's structural section. The soils engineer shall be present at the site to observe the grading process and to certify that the material is acceptable as structural backfill.

21. Drums and other containers on the project site that contain hazardous liquids or solids shall be categorized and recycled, or disposed of appropriately. Segregation, labeling, shipment and disposal will be conducted by a state-certified hazardous materials contractor, and in accordance with federal and state disposal regulations.

22. The Developer shall provide, as part of the on-site Improvement Plans submittal, detailed structural calculations and design details for retaining walls, which may be constructed as part of the Project. Walls shall incorporate drainage features to ensure proper drainage of the wall and site. The aesthetic design shall be to the satisfaction of the Planning Director. The structural and drainage design shall be to the satisfaction of the City Engineer and the Building Official.

23. Prior to the approval of any Improvement Plans, Developer shall provide the City Engineer and Director of Planning a post-construction plan incorporating Best Management Practices (BMPs) into the storm drainage system, that will serve the development after completion of construction.

24. As part of the Improvement Plans, Developer shall prepare and submit a grading plan with appropriate erosion control measures for the over all grading of each parcel. This grading plan shall after demolition show runoff containment such that each parcel is developed with post-construction BMPs. Temporary sediment basins shall be provided after demolition of any structures and existing infrastructure. These temporary control structures shall remain in place until parcels are developed. A maintenance plan shall be submitted to the City Engineer indicating contractor responsibility for maintaining the erosion control plan for the duration of the project. This maintenance plan shall include dust control, but not limited to BMPs as outlined in the Storm Water Pollution Prevention-Program (SWPPP). This maintenance plan shall be to the satisfaction of the City of San Bruno and shall meet all Pollution Prevention Program Regional Water Quality Control Board (RWQCB) requirements. This maintenance plan shall be described in the Covenants, Conditions and Restrictions (CC&Rs) and shall become the responsibility of the owner(s) after construction is completed.

25. Grading plans shall minimize the need for off haul from the Project Site. Design shall incorporate all elements of the applicable soils report(s) and include a pre-and post consolidation plan. The grading plans shall be prepared to the satisfaction of the City Engineer, and signed off by the geotechnical engineer indicating that plans are in compliance with the geotechnical report. After completion of grading and prior to Final Map recordation, geotechnical engineer indicating that grading is in compliance with the geotechnical report.

26. All sidewalks, curb & gutter shall be monolithic, and all traverse grades shall be 2%, and in compliance with the Specific Plan.

27. Minimum gutter grades shall be 0.70%, minimum.

28. The grading plan shall show that each parcel incorporates drainage features necessary to assure continued drainage over City Engineer approved easements and right of way to the nearest appropriate public facility and away from adjacent properties.

29. In conjunction with submittal of Grading Plans, the Developer shall file a Notice of Intent for storm water discharge with the Regional Water Quality Control Board. A copy

of the filing shall be submitted to the City Engineer as part of the required Improvement Plans for the site.

30. An amended SWPPP, if required by any agency and/or the City Engineer, shall be resubmitted to the City of San Bruno and the Regional Water Quality Control Board, prior to the approval of the improvement plans. This submittal shall be prior to the approval and issuance of grading and building permit associated with the development of each parcel as applicable.

31. Stop signs and markings shall be installed at each privately maintained roadway entrance onto a publicly maintained street

32. All public roadway structural sections shall be designed for a traffic index of 8 as outlined in the Latest Geotechnical Report dated May 15, 2002, prepared by Treadwell & Rollo Environmental and Geotechnical Consultants, and any subliminal geotechnical report.

33. Joint trenches under sidewalks shall include telephone, electrical, communication, television, and gas lines. The trench width and depth shall be to the standards of the utility companies and to the satisfaction of the City Engineer.

34. Traffic control, regulatory, warning, guide signs and markings (including fire hydrant pavement markers) shall be installed in conformance with the Manual of Uniform Traffic Control Devices, and as directed and approved by the City Engineer.

Sanitary Sewers:

35. Prior to issuance of a building permit, the Developer shall pay for all on-site service connection fees.

36. Utility clearances between utility mains, sewers, structures or other objects shall be to the satisfaction of the City Engineer. A minimum of one foot vertical and 10 feet horizontal shall be maintained between sewer and water lines.

37. Minimum sewer mains shall be 8- inches.

38. All new proposed sewer easements shall be a minimum of fifteen (15) feet. Sewer easement size may be reduced at the discretion of the City Engineer.

39. Flushing inlets are required on all dead-end lines, whether in a cul-de-sac or at a dead-end street, except where the line is terminated at a manhole. Flushing inlets shall be located not more than one hundred fifty feet (150-feet) from a manhole.

Storm Drains:

40. Culverts and storm drains shall be designed with the hydraulic grade line six inches below the flow line of the curb and appurtenance to avoid serious damage from a fifty-year storm.
41. Inlets or down-drains, where applicable, shall be spaced and located so as to relieve the street of all storm water generated by a twenty-five-year storm.
42. Spacing for storm drain inlets on streets with curb and gutter shall not exceed 800-feet; provided, however, that the maximum width of gutter flow spread shall not exceed 8-feet and shall leave at least one lane of traffic in each direction from being submerged.
43. A final hydrology and hydraulic report shall be submitted to the City for review and approval to demonstrate full compliance with drainage system design requirement.
44. Prior to the approval of any Improvement Plans, Developer shall demonstrate in an exhibit form identifying sag points on the proposed storm drain system. In areas that drain to a sag point, the building finished floor elevations should be at least 0.5 feet above the 100 year, storm water, surface elevation at any overland release location.
45. All surface drainage from each parcel shall be sloped away from each building toward the street frontage at a minimum of two (2%) percent slope and in accordance with the UBC code, and to the satisfaction of the City Engineer. All surface runoff from each parcel shall be conveyed to a detention system, if required, then to a piped system tied to the City's storm drainage system.
46. No drainage shall be permitted across any lot line other than onto streets or common areas, to the satisfaction of the City Engineer except within easements. Alternatively, the City Engineer may approve language within the CC&R's which demonstrates drainage over property lines is adequately addressed.
47. All streets shall be designed such that gutter spread from a 25 year storm event will maintain at least one traffic lane clear in each direction from being submerged.

Water:

48. Prior to issuance of a building permit for each parcel, Developer shall pay all on-site service connection fees.
49. All on-site facilities, backflow devices, and connections shall be designed and constructed by the Developer in accordance with the City Standards and to the satisfaction of the City Engineer.
50. All on-site water lines shall be of the, minimum diameter recommended in the letter from Brown & Caldwell.

Conditions, Covenants and Restrictions (CC&Rs)

51. In conjunction with the Improvement Plans, the Developer shall submit a copy of the proposed Conditions, Covenants and Restriction. All condominium owners must be members of their Association. The submittal shall include an estimate of costs and proposed level of maintenance for each of the activities identified. The CC&Rs shall provide for funding and provision of maintenance of all common facilities, such as streets and utilities, not accepted for maintenance by a public agency. The CC&Rs shall stipulate that an Association is responsible for maintaining landscaping along public and private streets as shown on the Tentative Map.

52. The CC&R's shall be approved by City prior to recordation of the Final Map and shall be recorded with the County of San Mateo prior to Occupancy.

53. All privately maintained streets and utilities, including storm drain, sanitary sewer and water facilities, within the development shall be maintained by an Association, as applicable. All public streets and public utilities shall be maintained by the City and in accordance with the Development Agreement.

54. Prior to occupancy, two copies of the approved and recorded CC&Rs shall be submitted to the City Engineer and Planning Director.

55. The CC&Rs shall describe how the storm water BMPs associated with privately owned improvements and landscaping shall be funded and maintained by an association.

Special Conditions

56. At the completion of construction of the improvements, the Developer is obligated to provide all required information to the City including, but not limited to, all certifications, warranties, guarantees, and proof of payment to outside agencies.

57. The use of a detention system is subject to the approval of the City Engineer.

58. The maintenance of any detention system, if approved, shall be the responsibility of the developer and the location shall be approved by the City. Developer shall be responsible for cost of construction and maintenance of the detention system.

59. The Developer shall dedicate fifteen (15) ft., minimum public utility easements for all new, proposed public utilities on private lots or parcels, prior to the issuance certificate of occupancy. All proposed utility easements shall be shown on the Final Map.

60. The waterline shall be designed and constructed per City Standards. Developer shall obtain all required easements from property owners for the installation of the waterline

prior to recording the Final Map. The Developer shall obtain all required permits from San Francisco Public Utilities Commission (SFPUC).

61. The dedication of a public right-of-way easement for the driving surface of National Avenue to the extent that it is shown to traverse Parcels 3 and 4, shall be ensured via an irrevocable offer to dedicate. The dedication shall be recorded prior to the issuance of building permits for any parcels within the Development.

62. Developer shall provide recorded documents with title report before the approval of the Final Map.

63. The roadway from Cherry Avenue to the development site shall be properly signed and striped by the Developer in accordance with the Manual of Uniform Traffic Control Devices to accommodate public traffic. Developer shall submit signage and striping plans to the Public Works Department for approval prior to the recordation of the Final Map.

64. Developer shall obtain any and all required encroachment permits from Caltrans, SFPUC and other agencies for construction within their jurisdiction.

65. Developer shall complete construction of all public roadway, fire lanes, utility improvements and required private improvements, prior to occupancy of any parcels within the subdivision; unless otherwise agreed upon by City in writing.

66. The developer shall identify the maintenance responsibility for all private storm drain systems in the recorded documents.

67. If required, Developer shall obtain approval in writing from Caltrans for discharging any storm drain water onto Caltrans property along Highway 380.

68. The developer shall install and maintain vegetated drainage swales, detention ponds, City approved cartridge filter units, landscaped areas, etc. for the storm-water collected from new parking lots and other impervious surfaces, as approved by the City Engineer.

69. All landscaping shall be properly maintained and comply with the City of San Bruno Water Efficient Landscape and Irrigation Guidelines.

70. The development design shall be based upon pot holing, or equally effective methods, to locate actual points of connection to or crossing over of existing utility stub-outs or utility lines for utility services to the development. This pot holing/method is required where the actual, existing utility size, material, elevation and plan location is unknown.

71. Developer shall defend, indemnify, and hold harmless the City of San Bruno, its agents, officers and employees from any claim, action or proceeding against the City of San Bruno, or its agents, officers and employees to attack, set aside, void or annul, this approval or any other approval of the City of San Bruno, or any advisory agency, appeal

board or legislative body of the City of San Bruno, concerning this map. The City of San Bruno must promptly notify the Applicant of any such claim, action or proceeding and shall cooperate fully in the defense.

EXHIBIT B

CONDITIONS OF APPROVAL CROSSING, PARCELS 3 & 4 PLANNED DEVELOPMENT PERMIT (PDP-05-05)

Community Development Conditions

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of approval of the Planned Development Permit and Tentative Map. Until such time as the Summary is filed, these permits shall not be valid for any purpose. These permits shall expire one (1) year from the date of City Council approval unless a building permit has been secured prior to the one (1) year date.
2. The project shall be built according to plans approved by the Planning Commission on June 20, 2006, included as an attachment to the staff report, except as required to be modified by these Conditions of Approval, City Council action, and/or agreement between applicant and the City. Any modification to the approved plans shall require review and approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. All proposed business identification signs shall require prior city approval in accordance with The Crossing Master Signage Program.
6. The property is subject to a Maintenance Agreement between Martin/Regis San Bruno Associates, LLP and the City, recorded in the Official Records of San Mateo County as Document No. 2002-258605.
7. Trash containers must at all times be stored in appropriately designated trash areas. A garbage and recycling program shall be coordinated with San Bruno Garbage.
8. The applicant shall provide regular cleaning of debris and litter on the property.

9. The applicant shall provide prompt cleaning/repainting of any graffiti on all building exteriors.
10. The applicant shall comply with all terms and conditions in the Development Agreement (DA), as approved by City Council Ordinance 1653, adopted January 8, 2002 and effective thirty (30) days thereafter, and recorded 1/24/2002, O.R. Document #2004-023306, Assessor-County Clerk-Recorder, San Mateo County, as has been and may be amended from time to time, that were assigned to the applicant pursuant to an Assignment and Assumption Agreement.
11. The applicant shall comply with the approved mitigation monitoring plan.
12. The project shall include and meet all the necessary requirements of the City of San Bruno, and San Mateo Countywide Stormwater Pollution Prevention Program to the satisfaction of the City Engineer.
13. A plan showing the location of any temporary contractor's storage yard or construction trailer on the property, including security fencing and lighting, shall be submitted to the Community Development Director for approval prior to installation. Interim landscaping may be required by the Community Development Director.
14. Applicant shall defend, indemnify, and hold harmless the City of San Bruno, its agents, officers and employees from any claim, action or proceeding against the City of San Bruno, or its agents, officers and employees to attack, set aside, void or annul, an approval of the City of San Bruno, or any advisory agency, appeal board or legislative body of the City of San Bruno, concerning this permit. The City of San Bruno must promptly notify the Applicant of any such claim, action or proceeding and shall cooperate fully in the defense.
15. All playground equipment & landscaping improvements must be installed prior to building occupancy or Final Certificate of Occupancy .
16. Engineered retaining walls over 3 feet in height shall be constructed of approved durable material, to the satisfaction of the City Engineer, Planning Director, and Building Official (Vesting Tentative Map COA #31).
17. Prior to issuance of a building permit, the applicant shall provide confirmation that all residential finish floor elevations shall be at least 1 foot above the 100-year event water level for the calculated flows in the street (this should consider any backwater from the drainage system as it will be used for detention) (Vesting Tentative Map COA #32).
18. The building permit submittals shall demonstrate that the seismic design of all structures is consistent with the requirements of the California Building Code (Vesting Tentative Map COA #127).
19. All units shall be equipped with low-flow toilets, low-flow showerheads, drip irrigation and other water-saving devices. Other features that should be included if

feasible include kitchen/bath hot water re-circulating systems, and faucet aerators (Vesting Tentative Map COA #130).

Police Department Conditions

20. All Police Department conditions are based the Police Officers' Standards of Training (POST) Crime Prevention Through Environmental Design (CPTED) standards. CPTED standards are recommendations to be applied as appropriate. The developer will work with the Police Department to develop a security plan for the building design.

Lighting

21. Parking lots and associated garages, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness. Such lighting shall be equipped with vandal-resistant covers/lenses.

22. All exterior doors shall have their own light source which will adequately illuminate entry/exit areas at all hours in order to make any person on the premises clearly visible and provide adequate illumination for persons entering and exiting the building.

Landscaping

23. Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows. Landscaping shall not conceal doors or window from view, obstruct visibility of the parking lot from the street or business buildings, nor provide access to the roof.

Line of sight/Natural Surveillance

24. It is highly desirable to design an elevator shaft and cab to be transparent, making occupants of the cab visible from the outside.

25. Single and double-binned trash enclosures should be located at the perimeter of the parking lot, not adjacent to buildings or contiguous to exterior building doors.

26. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls, and interior hallways.

27. Convex mirrors should be installed in elevator cabs and at stairwell landings.

Parking Structure

28. The interior of the structure should be painted a light, highly reflective color.

29. Metal halide, or other bright white light source, should be utilized. No dark areas should exist inside the structure.

30. Alcoves and other visible obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns and other open construction should be utilized over a solid wall design.

31. Whenever possible, stairwells should be of open design. When, by necessity, a stairwell is enclosed, convex mirrors should be placed at each stairwell landing, and the stairwell doors should employ as much transparent material as fire code allows.

32. Convex mirrors should be placed inside elevator cabs.

33. Bars or grating should be utilized to impede pedestrian access to the structure from ground level openings. Landscaping contiguous to this grating should be the type that does not block natural light fenestration into the garage.

34. Access control should be utilized for vehicular and pedestrian traffic.

35. Clearly marked, hands-free emergency phones/panic alarms should be placed through the structure, if possible.

36. CCTV surveillance shall be installed in key locations. Locations of CCTV cameras shall be approved Police Department prior to occupancy.

37. Panic alarms should be utilized throughout the parking structure and be connected with an off-site security monitoring company.

Signage/Parking Lot

38. All entrances to parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owner's/manager's request.

39. All handicap parking stalls shall be appropriately painted and marked as per the California Vehicular Code.

Fencing/Barrier

40. Whenever possible, open fencing design such as wrought iron, tubular steel, or densely linked and heavy-posted chain-link should be utilized in order to maximize natural surveillance while establishing territoriality.

41. Other barrier considerations include: block walls; decorative cement planters; access control to high valued storage areas; locked cages, rooms and safes; shipping and receiving door screens; bullet resistant enclosures with pass through for pick up and

delivery; interior man trap enclosures to secure and separate shipping and receiving areas.

Fire Department Conditions

(All references to Codes refer to the San Bruno Municipal Codes in addition to state and national standards.)

42. All Fire Department standards for sprinklers, fire extinguishers, alarms exit signs, emergency vehicle access, fire lanes, and building egress shall be met in accordance with CFC, 2001 Edition.

43. Plans for all water supply, emergency access roadways, buildings and their fire life safety systems shall be submitted to the San Bruno Fire Department for review, comment and approval prior to construction.

44. For any and all construction that requires Fire Code Permits, (i.e. Hot Works, Article 49 of the California Fire Code CFC), applicant shall pay all applicable application fees and comply with the requirements thereof.

45. The project shall comply with all of the following conditions related to fire sprinklers:

- a. The entire project shall be protected by a NFPA 13 Sprinkler System.
- b. The automatic fire alarm system shall be installed in all exit pathways and common areas.
- c. Sprinklers shall be excluded from elevator shafts and equipment rooms so as to not require electric shunts. Smoke detectors shall be installed in lieu of sprinklers.
- d. Sprinklers will be required for exterior balconies of combustible construction.

46. Provide 2 ½" combination wet/standpipe connections on all floors so that any part of the complex can be reached with 150' of hose.

47. The project shall comply with the following:

- a. Elevators and stairwells in close proximity or adjacent to each other shall be numbered the same.
- b. All rooms shall be labeled as to their type or use.
- c. Stairwell signs shall be installed in accordance with the CFC Appendix IC.
- d. A 35' ladder shall be provided as required by the Fire Department in courtyards that are not accessible by fire apparatus and housed in weather protective enclosures.

48. All project plans will provide required fire flow capability in accordance with CFC Appendix III-A prior to submission for review/comment. Reductions allowed as exceptions in the Fire Code will not be automatically approved.

49. Applicant shall provide Knox boxes, at locations approved by the San Bruno Fire Department, on all buildings that are not staffed 24/7. Keys will include but not be limited to: Grand Master for all exterior openings and interior doors; elevator fire control key; a single key for the Fire Alarm panel and pull station reset; any other keys deemed necessary. More than one set of keys may be required (Vesting Tentative Map COA #144).

50. Remote annunciators will be provided at locations to be approved by the San Bruno Fire Department. Any alarm system installed will be required to be a " UL Certified Installation". Floor plans 11" x 17" in size with a CAD program copy will be provided to illustrate location and type of all devices connected to the fire alarm system. All initiating devices will be individually detected, annunciated and monitored (Vesting Tentative Map COA #145).

51. Unless a building is staffed 24/7, the fire alarm and/or sprinkler system and any other fire systems, will be monitored by a UL listed Central Station.

52. Address numbers shall be affixed to all buildings. The numbers must be illuminated during darkness and be of a size, color and location as approved by the San Bruno Fire Department. Buildings with individual offices or living units will be numbered as approved by the San Bruno Fire Department. The address number shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than twelve (12) inches in height and of color contrasting with the background. In addition, any business in a location which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

53. Each different unit within a multiple-tenant building shall have its address prominently displayed on its front. (on units with stoops, we typically do not address the stoop for security reasons) NOTE: The address numbers shall be placed above or near the front entrance and on each of the other three sides of the building. The goal is to make the addressing visible to responding emergency units arriving from any direction. Address numbering of individual living units will be approved by the Fire Marshal. If less than 99 units per floor per building, a three digit numbering system shall be used where the first number is the floor, and the remaining two digits reflect the unit number in a clockwise rotation. If more than 99 units per floor, a four digit numbering system shall be used.

54. All plans submitted for fire department review will only be conditionally approved subject to successful field inspection and testing for compliance of NFPA, Title 19, California Fire Code with local amendments, regulations and standards.

55. It is strongly recommended that buildings with metered gas service be provided with an approved excess-flow device or an approved earthquake shut-off valve.

56. All Fire Department requirements will need to be satisfied and all permits/fees paid prior to occupancy (Vesting Tentative Map COA #151).

57. FIRE LANE AND HANDICAPPED AREA PAINTING

a. All raised curbing not designated as a parking area shall be marked as a "FIRE LANE" as required by SBMC 7.16.040.

b. Handicapped areas shall be marked as required in California Vehicle Code section 22511.8.

San Bruno Cable Conditions

58. Cable infrastructure shall be provided to all units. Details must be shown in Building Division submittal.

59. Developer shall construct underground conduit system and vaults as required along side SBC and PG&E to bring San Bruno Cable service to the development,

60. Developer shall install a conduit system throughout the complex for Cable wiring to all units.

61. Developer provide inside wiring with adequate number of outlets for each unit per CATV specifications.

62. San Bruno Cable will furnish and install all electronics that are required to serve the new developments. San Bruno Cable will do all final connections to the units.

Public Works Conditions

63. Developer shall obtain a hauling permit from the Department of Public Works prior to off-hauling soil.

64. Prior to the issuance of any building permit, Developer shall incorporate area adequate storage space for project recyclable and compostable materials. This shall include adequate storage space on each floor of each building and its enclosed garbage areas, as well as adequate loading space, to accommodate the City of San Bruno's recycling program.

65. During construction, the Developer shall ensure that a program of dust control is implemented consistent with Bay Area Air Quality Management District (BAAQMD) requirements.

66. The Approved SWPPP shall be maintained on site during construction, and shall be amended as appropriate during the development of each parcel to the satisfaction of the City Engineer. The Developer shall ensure that the SWPPP shall be amended prior to the approval of a grading plan for each parcel.

67. A water tank or on site water shall be maintained at the site, and utilized for dust control during the duration of the project construction, including holidays, and weekends.

68. Prior to the awarding of contracts for grading and construction, the applicant shall provide the Public Works Department with a plan indicating the amount of soil to be removed, the number of truck trips required and the proposed haul routes. A survey of the conditions of the road surfaces to be used during construction shall be conducted jointly by representatives of the City of San Bruno and the Developer to document the condition of the roadway prior to the beginning of the grading. A similar survey shall be conducted near the completion of the construction or after at least 95% of all major heavy construction traffic on the roadways associated with the project is completed. The applicant shall be responsible for any reasonable repair to those sections or portions, and if necessary, the entire roadway length used for construction traffic, necessary to return the roadway to a condition that it reasonably can be projected that the roadway would be in were there no construction-related traffic generated by the proposed project. It shall be the sole option of the Developer as to whether the work is performed by the project contractor, an outside contractor, or by the City of San Bruno forces after reasonable and equitable payment by the Developer. All work and materials shall conform with published City of San Bruno road standards in effect at the time that the contract for construction is bid.

Chair Mishra advised of a 10-day appeal period.

F. Discussion

1. City Staff Discussion

Selection for July 13 ARC – Mishra, Biasotti and Chase.

2. Planning Commission Discussion

Mishra: To Akin, General Plan Update.

Heyden: Responded, staff is reviewing a final draft from our Consultant and with the Environmental Review requirement and the public hearing process it should be coming to the Planning Commission in the fall.

Biasotti: Do we need to bring up the comments on Treetops.

Akin: Treetops is becoming a dumping ground, will make contact with owner.

G. Adjournment

Meeting was adjourned at 8:27 pm

Tambri Heyden

Secretary to the Planning Commission
City of San Bruno

Sujendra Mishra, Chair

Planning Commission
City of San Bruno

NEXT MEETING: July 18, 2006

TH/ch



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://www.ci.sanbruno.ca.us>

STAFF

Tambri Heyden, AICP, *Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Aaron Akin, AICP, *Planning Manager*
Beilin Yu, *Associate Planner*
Tony Rozzi, *Assistant Planner*
Lisa Costa Sanders, *Contract Planner*
Pamela Thompson, *City Attorney*

PLANNING COMMISSION

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice Chair*
Kevin Chase
Mary Lou Johnson
Bob Marshall, Jr.
Perry Petersen
Joe Sammut

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. E1
July 18, 2006**

PROJECT LOCATION

1. Address: 497 San Mateo Avenue
2. Assessor's Parcel No: 020-361-080
3. Zoning District: C-B-D (Central Business District)
4. General Plan Classification: Central Business District

EXHIBITS

- A:** Site Location
B: Floor Plan and Description

REQUEST

Request for a Use Permit to allow live music in conjunction with the operation of an existing bar per Section 12.84.070.B of the San Bruno Zoning Ordinance. Gene Tagliaferri (Owner) / Edwina Walshe (Applicant). **UP-06-20**

RECOMMENDATION

Staff recommends that the Planning Commission **approve** Use Permit 06-020 based on Findings of Fact (1-5) and Conditions of Approval (1-21).

REVIEWING AGENCIES

Community Development Department
Police Department
Fire Department

REQUIRED LEGAL NOTICE

1. Notices of Public Hearing mailed to owners of property within 300 feet on July 7, 2006.
2. Advertisement published in the *San Mateo Times*, Saturday, July 8, 2006.

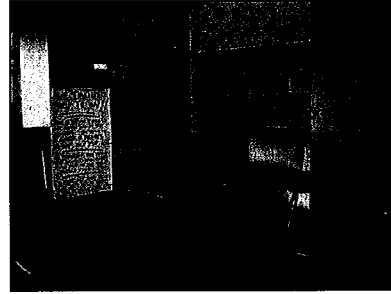
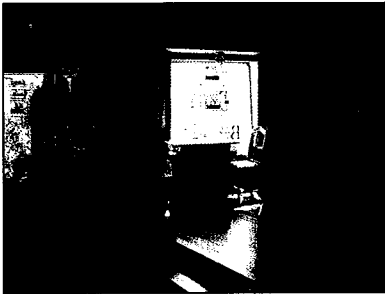
ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: No Expansion to Existing Facilities.

EXISTING CONDITIONS

The subject property is located on the northern end of the 400 Block of San Mateo Avenue, next to the Sylvan Avenue intersection. The area is designated as Central Business District zoning district and is abutted by Mastick Avenue to the east, a residential zoning district.

This is an irregular-shaped lot with a total lot size of approximately 3,820 square feet. The property is currently developed with an approximately 3,700 square foot mixed use building, with two residential units on the second level and a 600 square foot detached garage. The interior of the building is divided into three (3) distinct areas – the main bar counter, a slightly elevated seating area and a rear room with a secondary bar and pool tables. The proposed live music stage area is shown in the photographs below:



SURROUNDING LAND USES

North: Easton Avenue/ San Mateo Avenue - R-2 Zone/ C-B-D Zone, multi-family residences
 South: Jenevein Avenue – C-B-D/ C Zone, downtown business district
 East: Mastick Avenue – R-2 Zone, multi-family residences
 West: El Camino Real – C Zone, general commercial

PROJECT DESCRIPTION

The applicant is proposing to expand the current use on the property to include live entertainment as an ancillary use. As stated under Existing Conditions, there is a slightly elevated seating area opposite the main bar and separated by the entry aisle. This area, measuring 10'-0" by 25'-0", is the proposed location for live musical performances.

The table below summarizes and compares the zoning guidelines with the existing and proposed conditions:

Site Conditions		Zoning Requirements	Existing Conditions	Proposed Conditions
Land Use		C-B-D, Central Business District	C-B-D; Bar use	Bar + Live entertainment
Lot Area Min.		Min 2,000	3,820	Same
Lot Coverage		100%, less parking and landscaping	1,845 + 600 (garage) = 2,445	Same
Lot Coverage %		100%	65%	Same
Gross Floor Area		Not applicable	4,300	Same
Floor Area Ratio		N/A	1.13	Same
Building	Front	Min. 0'	0'-0"	Same

Setbacks	Rear	Min. 0'	0'-0"	Same
	North Side	Min. 0'	0'-0"	Same
	South Side	Min. 0'	0'-0"	Same
Building Height		Max. 50'	Info not provided	Same
Covered Parking		23 covered spaces*	3 covered spaces	Same

*Notes:

- Required parking is grandfathered to the site (One (1) space per 100 square feet of gross floor area; Two (2) spaces per residential unit). Any expansion of facilities would require additional parking or the granting of a Parking Exception by the Planning Commission.

ARCHITECTURAL REVIEW COMMITTEE

None required given the request is for an expansion of use and no change is proposed for the exterior of the building.

ADDITIONAL INFORMATION

- **Accessory Structures**: This property has a three car detached garage.
- **Code Enforcement**: This property has no pending code enforcement cases on file.
- **Easements**: Subdivision maps on file in the Public Work Department indicate that there are none.
- **Heritage Trees**: There are no heritage trees onsite that will be affected by this proposal.
- **Previous additions or alterations**: Internal remodel completed in December 2004.

PROJECT ANALYSIS

This project requires Planning Commission review to approve a use permit to allow live entertainment in conjunction with an existing bar. Forty's Pub, formerly Newell's Lounge, is located in the Central Business Zoning District and is surrounded by many retail and commercial uses.

Because Forty's Pub has proposed to hold live music and entertainment events on a regular schedule (and not just on occasion and incidental to the business' main function), a conditional use permit is required in order to allow staff and the Planning Commission a chance to regulate any amplified sound as part of the application (See Exhibit B). A previous application for a Use Permit to allow dancing and mechanized music was approved by the Planning Commission in 1974. Live music however, was not approved as part of the application and this expansion of use therefore requires a new use permit application, as per San Bruno Zoning Ordinance 12.84.070.B.

Given the existing layout of the bar, the Forty's Pub owners and manager have proposed to use a slightly elevated area of the front room for band and other entertainment performances. As verified with the San Bruno Fire Department, no aisle ways or exits should be obstructed with the proposed stage location. Additionally, the applicant has stated that the building itself is well insulated and loud

music does not create excessive noise beyond the building's walls.

Staff has worked with the applicant and the San Bruno Fire and Police Departments to review the proposal and offer several conditions of approval that should mitigate any potential issues created by approving a project of this nature.

Pursuant to the City's Zoning Code, the Commission shall grant the use permit if it makes the following findings (required findings are in **bold** followed by staff's analysis):

- 1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.**

With the proposed conditions of approval by the Fire, Police and Community Development Departments, live music at the proposed location should not adversely affect the welfare of both the neighborhood and the residents and businesses located there. Staff has recommended limited hours for the live events, garbage removal after any event and two security guards required at the time of any live music or performance event. Additionally, the applicant must meet the City's noise ordinance for Commercial and Residential zones. Forty's Pub is located near several residential neighborhoods and the proposed use should meet some of the entertainment needs of the area as well. As a way to mitigate any excessive noise as part of the live music/ event, staff is recommending constraints on the hours of operation for live music and that both entrance doors be closed (but not locked) during any live music or event.

- 2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.**

The proposed use generally complements the current neighborhood, considering that the downtown area has been designed for commercial uses that appeal to the local area and the overall City. Given the lack of substantial evening events in the downtown corridor, staff supports the proposal by Forty's Pub, particularly since the internal remodel has truly renovated the property into a destination location. Live entertainment should expand the variety of an already diverse mixture of uses in the downtown and also promote the viability of downtown in the evening hours. As mentioned in the above finding of fact #1, staff has recommended conditions of approval that should mitigate any negative impacts surrounding approval of the proposed use in the local area.

- 3. The proposed development will be consistent with the general plan.**

The general plan designates the property as zoned in the central business district, primarily to serve present and future needs of the residential community. Because there are so few businesses that offer entertainment in the downtown area, particularly in the evening hours, staff supports the proposed use as it should meet both present and future community needs. Policy two (2) of the General Plan's description of the Central Business District states: *"Encourage uses in the central business district that attract pedestrian traffic, stimulate other business, and offer a variety of services to meet shoppers' needs"*. Approval of this use should meet the intent of Policy two (2).

4. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.

Given that the downtown area traffic is much lighter at night than during normal working hours, staff does not expect the proposed use to cause significant traffic congestion for other business patrons and residents. Additionally, 497 San Mateo Avenue is contiguous to a city parking lot, which should handle any parking needs of both the bar and other downtown businesses.

PUBLIC COMMENTS

None have been received as of the publishing of this report.

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: No expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because of the conditions of approval regulating noise, loitering and hours of operation as placed by the reviewing departments.
3. The proposed development will benefit the adjacent property values through increased pedestrian traffic and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City. The proposal generally complements the current neighborhood uses and is consistent with other types of uses that have been approved in the downtown area.
4. The proposed use is consistent with the San Bruno General Plan Policy Two (2) for the Central Business District, which designates the property primarily to serve present and future needs of the residential community.
5. The location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed and all conditions of approval are met to the satisfaction of the Community Development Director, Use Permit 06-020 shall not be valid for any purpose.

2. The special event permit shall allow non-mechanical music (live) and entertainment, as well as mechanized music (jukebox) and music from electrical music devices.
3. The applicant shall comply with all other license and fee requirements as specified in the City Municipal Code for live music and special events, in conjunction with an existing alcohol-sales business.
4. The sound level shall conform to the requirements of the City's Noise Regulations (Chapter 6.16 of the Municipal Code) and the recommendations of the Police Department reviewing agent.
5. The front and rear doors of the business shall be closed (not locked) when music or other live entertainment event is in progress.
6. All entertainment shall be contained within the building and not extend to the sidewalk or parking lot areas.
7. A new sign application to replace the temporary banners on the property shall be approved by the Planning Division and installed. Until such time, Use Permit 06-020 shall not be valid for any purpose.

Police Department – (650) 616-7100

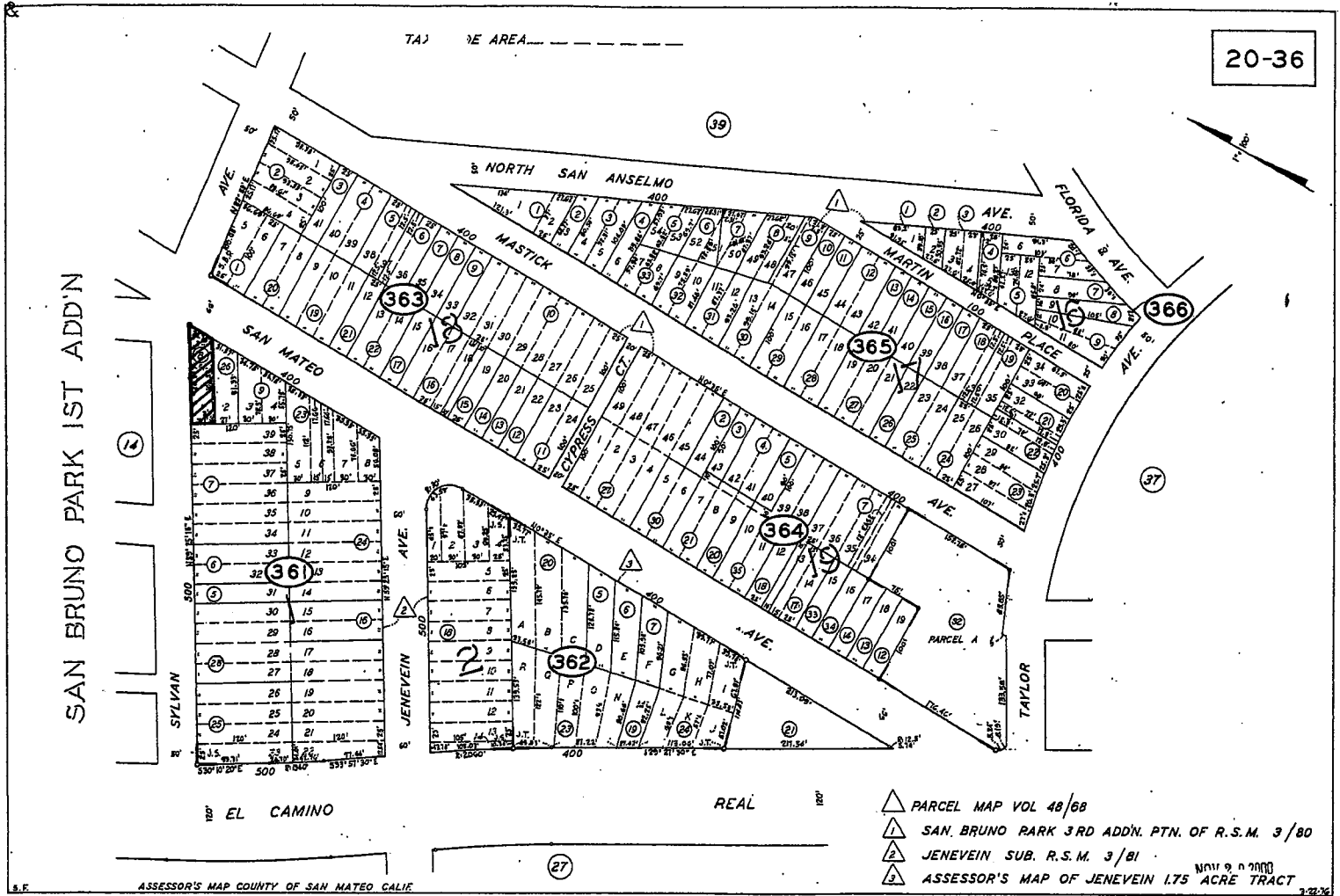
8. An age restriction of 21 years and over shall be posted at all entrances to the business. The signs must be readily available.
9. Maximum occupancy signs shall be posted at all entrances as well as inside the business.
10. Management shall arrange for litter removal every evening after closing.
11. All entertainment shall end no later than 1:00 A.M.
12. Consumption of alcohol on premises ends by 1:45 A.M.
13. Two licensed and uniformed security guards must be present during live music and/or entertainment event to provide security to ensure safety.
14. All exits are to be free from obstructions.
15. Any violation of the law or threatened violations shall be immediately reported to the Police Department and employees and management of the business shall give full cooperation.
16. Any fight, ejection of a customer, thefts from customers, or any other criminal act occurring at the establishment shall be reported to the SBPD as soon as any business employee is aware of such incident.
17. Any request by anyone in the establishment for an employee to contact the Police shall be honored immediately, without question.

18. Labor Code 6404.5 regarding smoking shall be enforced at all times.
19. Business must adhere to the provisions set forth in their ABC License.
20. At least one sign, one square foot minimum, shall be posted and maintained in a legible condition at each public entrance to the property prohibiting littering and loitering.

Fire Department - (650) 616-7096

21. Post an Occupant Load sign including an Entertainment Occupant Load for the front and rear rooms. To be issued by the Fire Department.

Date of Preparation: July 10, 2006
Prepared by: Tony Rozzi
Assistant Planner



Forty's Pub
497 San Mateo Ave
San Bruno Ca, 94044
650-583-0440

Forty's pub, once known as Newell's, has been skillfully remodeled while maintaining its old beauty and charm. The remodel was extensive including full insulation of all walls and the ceiling. The pub now has a bright homey welcoming feel.

In the front section of the pub we have ~ 10' x 25' seating area to the left as you walk in. It is our opinion that this is the ideal space for bands to set up and perform as it is elevated and out of the flow of patrons and staff walking in and out of the bar area. This also ensures that the aisle ways and exits are not obstructed by equipment or band members.

The bar has a maximum of 125 person occupancy. In accordance with SBPD guidelines we have requested a second occupancy sign from SBFD which will be posted after they return from the holiday weekend at the rear door.

The insulation in the bar has excellent acoustic deadening. Music played in the front bar can barely be heard in either the backroom or outside the walls of the pub. The owners provide bouncers every Friday and Saturday night. A list of tentative events is attached as well as a copy of the approved city drawings (7/30/04) and a pub contact list.

We appreciate your help in approving our application and we look forward to working with the city now and in the future. If you have any questions please contact Angela or Edwina to ensure you have the information you need.

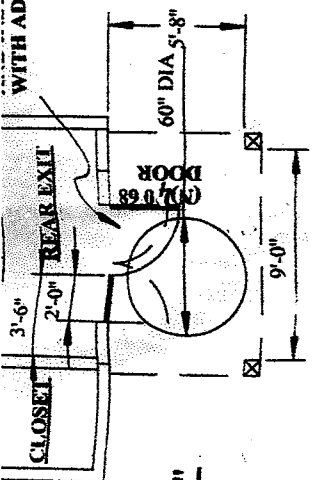
Forty's Pub
497 San Mateo Ave
San Bruno Ca, 94044
650-583-0440

Tentative list of events for Forty's Pub:

Pool/Dart Sessions (Monday Nights)
Pub Quiz Nights aka Trivia (Tuesday Nights)
Karaoke (Wednesday Nights)
Jam Night with live band or DJ entertainment
(Thursday Nights)
DJ, Live band or Comedy Night (Friday Night)
Live Band or DJ (Saturday Night)
Live acoustic Jazz (Sunday afternoons)

The above events are a few of the ideas we have for entertainment at our facility. None of these events are set in stone and may work better on different nights of the week but in order to give you an idea of what we would like to see for the future of the pub, we have put this list together.

WITH ADA ACCESSIBILITY SIGN



FLOOR PLAN
scale: 1/8" = 1'-0"

⊙ = SMOKE DETECTOR
E = EXIT SIGN

DE

Occupant load 125

885 sq. ft.

Forty's Pub
497 San Mateo Ave
San Bruno Ca, 94044
650-583-0440

Contact list:

Edwina Walshe, Owner: 650-872-8870

Angela Fragomeni, Manager: 650-400-8049

Gene Tagliaferri, Building owner: 650-589-1810